

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JAMES "JIM" TOMASIK, J. DANIEL )  
TOMASIK and LIBERTARIAN PARTY )  
OF TENNESSEE, )  
)

Plaintiffs, )

v. )

MARK GOINS, Coordinator of )  
Elections for the State of Tennessee; )  
TRE HARGETT, Secretary of State for the )  
State of Tennessee; SHELBY COUNTY )  
ELECTION COMMISSION through its )  
Members, Robert D. Meyers, Chairman; )  
Norma Lester, Secretary; Dee Nollner )  
Commissioner; Steve Stamson, )  
Commissioner; and Anthony Tate, )  
Commissioner, )  
)

Defendants. )

Case No. 3:13-1118  
Chief Judge Haynes

**ORDER**

Before the Court is Plaintiffs' motion for an award of attorney's fees (Docket Entry No. 39) that is supported by affidavits and is unopposed. The Court awarded Plaintiff a judgment on their claims that included injunctive relief. Citing 42 U.S.C. § 1988, Plaintiffs seek fees in the following amounts:


1.	James C. Linger attorney's fee	\$21,760.00
2.	Non-taxable costs and expenses expended by attorney Linger	\$866.00
3.	W. Gary Blackburn attorney's fee	\$3,465.00
	Total	\$26,091.00

These calculations are based upon 59.4 hours at \$300.00 per hour and 19.7 hours at \$200.00 for James C. Linger, and 9.9 hours at \$350.00 per hour for W. Gary Blackburn. James C. Linger also seeks expenses and cost in the amount of \$866.00. As stated, Defendants do not oppose this motion.

Considering the factors in Adcock-Ladd v. Secretary of Treasury, 227 F.3d 343 at 349 (6th Cir. 2000) and Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974), Plaintiffs' motion is **GRANTED to AWARD** Plaintiff twenty-six thousand ninety-one dollars and zero cents (\$26,091.00) in attorneys' fees and expenses pursuant to 42 U.S.C. § 1988.

It is so **ORDERED**.

**ENTERED** this the 27<sup>th</sup> day of January, 2014.

  
WILLIAM J. HAYNES, JR.  
Chief Judge  
United States District Court